

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE WAUSAU WATER WORKS COMMISSION

Creating Chapter 13.25 Lead and galvanized water service line replacement, Section 13.25.010 Intent and purpose, Section 13.25.020 Authorization, Section 13.25.030 Rules of construction and definitions, Section 13.25.040 Survey and inspections, Section 13.25.050 Partial or full service line material replacement; public side or customer side, Section 13.25.060 Replacement priority, Section 13.25.070 Application and Scheduling, Section 13.25.080 Financing of replacement, Section 13.25.090 Exceptions, Section 13.25.100 Prohibitions, Section 13.25.110 Severability, Section 13.25.120 Penalties, Section 13.25.130 Authority to Discontinue Service

Committee Action:

Ordinance Number:

Fiscal Impact: 2024: Total Allocation- \$5,790,028 (Principle Forgiveness - \$3,641,078; Loan Amount - \$2,148,950 (this should be at a rate of 0.5%))
Potential for up to \$60,000,000 out-of-pocket in the following four years depending on availability of funding

File Number: 24-0705

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Chapter 13.25 Lead and galvanized water service line replacement is hereby created and made up of the following Sections outlined below.

Section 2. That Section 13.25.010 Intent and purpose is hereby created to read as follows:

13.25.010 Intent and purpose.

Lead in drinking water poses a threat to the public health. Leaching of lead from lead service lines or from galvanized lines, that are or were downstream of lead, are sources of lead in drinking water. Additionally, aged water services including lead and galvanized lines can be a source of water loss and potential contamination. The Common Council of the City of Wausau therefore finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and galvanized service lines in use within the Wausau Water Utility distribution system, and to that end, declares the purposes of this Chapter to be as follows:

- (1) Continue to ensure that the water quality at every tap of Wausau Water Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;
- (2) Continue to reduce the level of lead in the City's drinking water to meet EPA standards in City drinking water for the health of City residents;
- (3) Continue to meet the Wisconsin Department of Natural Resources requirements for local compliance with the EPA's Lead and Copper Rule, as revised and amended;
- (4) Continue to replace all high-risk lead water service lines and all remaining lead water service lines in use in the City; and
- (5) Limit costs by setting a service replacement schedule when federal, state, or local funding is available.

Section 3. That Section 13.25.020 Authorization is hereby created to read as follows:

13.25.020 Authorization.

This Chapter is enacted pursuant to Wis. Stats. §§ 62.11(5), 281.12(5), 66.0627(8), and 196.372, and as mandated by 42 USC 300g of the Federal Safe Drinking Water Act, as amended, enforced by the EPA and the WDNR.

Section 4. That Section 13.25.030 Rules of construction and definitions is hereby created to read as follows:

13.25.030 Rules of construction and definitions.

This section and all rules and orders promulgated under this section shall be liberally construed so that the purposes enumerated in Section 13.25.010 may be accomplished. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Within this chapter:

Childcare facility means any state-licensed or county-certified childcare facility including, but not limited to, licensed family childcare, licensed group centers, licensed day camps, certified school-age programs and Head State programs.

City means City of Wausau.

Confirmed water sample test means a tap water analysis, completed after a prior analysis that indicated lead levels at or above the EPA action level, and conducted in accordance with the Lead and Copper Rule, as revised and amended, with Wis. Admin. Code § N 809.547, and with instructions provided by the Wausau Water Utility.

Customer-side water service line means the water conduit pipe running from the water meter to the curb stop which is the Water Utility shut-off valve usually located behind the curb on public property.

Director means the Director of Public Works and Utilities.

Distribution system means the network of water pipes, including water mains and water service lines, owned and operated by the City of Wausau Water Utility.

EPA means the U.S. Environmental Protection Agency.

EPA action level means a measure of the effectiveness of the corrosion control treatment in water systems, as established by the Safe Drinking Water Acts Lead and Copper Rule, as revised and amended.

Federal Safe Drinking Water Act as codified as 42 USC §§ 300f - 300j-26.

High risk lead service means a lead and/or galvanized customer-side water service line identified in Section 13.25.050 and any lead and/or galvanized customer-side water service line where a confirmed water sample test of a customer's tap water reveals a lead concentration at or above the EPA action level.

Lead and Copper Rule means the rules created by the EPA, as revised and amended, and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum containment level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead and galvanized water service line replacement and public education. The rules may be found in 56 FR 26460, 40 CFR 141.80—141.90, and Wis. Admin. Code §§ NR 809.541 through 809.55.

Lead water service line means a water service line made of lead and/or galvanized steel, and any lead pigtail, gooseneck or other fitting which is connected to such a line. The term can apply to the customer-side water service line and/or the public-side water service line.

Licensed plumber means a person, firm, corporation or other entity licensed to perform plumbing work in the City by the State of Wisconsin.

PPB means parts per billion.

Property means any possessory interest, legal or equitable, in real property, including an estate, trust, or lien, and any buildings, structures and improvements thereon.

Property owner means a person or legal entity having a possessory interest, legal or equitable, in property, which defined term includes an estate, trust, or lien.

Public-side water service line means the utility-owned portion of the water service line from the water main to the curb stop.

Service replacement schedule means the schedule adopted by the Wausau Waterworks Commission for the replacement of lead customer-side water service lines based on community resources; on availability of licensed plumbers and Water Utility resources to complete service line replacements; on physical location

of properties with lead customer-side water service lines; and on availability of federal, state, or local funding.

Tenant means person or persons in actual possession of and living at a property.

Water Utility means the City of Wausau public water utility and its distribution system, also known as Wausau Water Works.

WDNR means the Wisconsin Department of Natural Resources.

Section 5. That Section 13.25.040 Survey and inspections is hereby created to read as follows:

13.25.040 Survey and inspections.

Upon notice from the Water Utility, any person who owns, manages or otherwise exercises control over a property within the Water Utility distribution system shall allow the Water Utility to inspect the customer-side water service line or have the customer-side water service line inspected by a licensed plumber or other representative as authorized by the Director to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.

Section 6. That Section 13.25.050 Partial or full-service line material replacement; public-side or customer side is hereby created to read as follows:

13.25.050 Partial or full-service line material replacement; public-side or customer-side.

(a) All of the following service line material combinations are subject to partial or full replacement with copper, and/or plastic service lines under this division as identified:

SERVICE LINE MATERIAL REPLACEMENT

Public-Side	Customer-Side	Side Requiring Replacement
Lead	Lead	Both
Lead	Galvanized	Both
Lead	Copper	Public-side only
Lead	Plastic	Public-side only
Copper	Lead	Customer-side only
Copper	Galvanized	Customer-side only
Copper	Copper	Neither
Copper	Plastic	Neither
Plastic	Lead	Customer-side only
Plastic	Galvanized	Customer-side only
Plastic	Copper	Neither
Plastic	Plastic	Neither
Galvanized	Galvanized	Both
Galvanized	Copper	Public-side only
Galvanized	Plastic	Public-side only
Galvanized	Lead	Both

No other service line material combinations have been identified which require replacement under this division.

(b) All lead water service lines (as defined in section 13.25.030) must be replaced regardless of location. Where both the customer-side and public-side water service lines are lead, the customer-side lead water service line shall be replaced at the same time as the public-side lead water service line and in accordance with any applicable state and federal requirements, as revised and amended and per section 13.25.070. If a customer-side lead water service line is connected to a public-side water service line that is not a lead water service line, the replacement of the customer-side lead water service line shall be completed under a schedule determined by the Water Utility, in compliance with all local, state, and federal requirements, as revised and amended. As of the effective date of the ordinance from which this Chapter is derived, no lead water service line will be allowed to connect to a Water Utility line once replaced.

Section 7. That Section 13.25.060 Replacement priority is hereby created to read as follows:

13.25.060 Replacement priority.

(a) Owners, managers or persons otherwise exercising control over properties within the Water Utility distribution system with customer-side lead water service lines shall be required to replace the customer-side lead water service lines according to the order of priority and replacement schedule, that are established by the Wausau Water Works Commission.

(b) Notwithstanding the schedules set forth herein and any limitations on funding sources which may be made available to either the Water Utility or the customer, all customer-side water service lines identified herein shall be replaced at a schedule in accordance with local, state, and federal law.

Section 8. That Section 13.25.070 Application and Scheduling is hereby created to read as follows:

13.25.070 Application and Scheduling.

All existing customer-side lead water service lines that connect to a public-side water service line must be replaced. The replacement schedule will be determined by the Water Utility.

Existing customer-side lead water service lines that are connected to a public-side water service line that is scheduled to be replaced or reconstructed as part of a Water Utility or City construction project shall be replaced in conjunction with the planned construction project. The Water Utility shall give written notice to the owner of their duty to replace the customer-side lead water service line. Scheduling of customer-side lead water service line replacements shall be coordinated with the Water Utility within 30 days of service of the written notice. Additional time to schedule the customer-side lead water service line replacement may be granted by the Director for good cause. Noncompliance with the Water

Utility replacement schedule may result in enforcement pursuant to Section 13.25.120.

Section 9. That Section 13.25.080 Financing of replacement is hereby created to read as follows:

13.25.080 Financing of replacement.

~~Mandated lead service line replacement will only proceed as grant monies are available to fully fund the private side obligation for the full lead service line replacement and all related construction for the property owner. A property owner shall be responsible for the cost of replacing the portion of a lead water service line that is a customer side water service line that serves their property. The Water Utility shall be responsible for the cost of replacing all lead service lines that are public side lead water service lines.~~

~~The City may establish a program to provide financial assistance to property owners replacing customer side lead water service lines. If the financial assistance does not cover the complete cost of replacing the customer side water lead service line, the property owner shall be responsible for the remaining balance.~~

Section 10. That Section 13.25.090 Exceptions is hereby created to read as follows:

13.25.090 Exceptions.

(a) The Water Utility may modify the inspection requirement set forth under 13.25.040 if the customer so requests and demonstrates a compelling need.

(b) Upon the demonstration of a compelling need, the owner of a single-family dwelling or a business to which the public has no access to tap water and with no more than five employees, may request a change of schedule or an extension of time for compliance with Sections 13.25.050 through 13.25.070.

(c) Guidelines for the consideration of requests under subsections (a) and (b) of this section will be established by the Wausau Water Works Commission.

(d) Compliance deadlines will be calculated on a calendar year basis but may be deferred during the months of December through March on the basis of weather constraints.

Section 11. That Section 13.25.100 Prohibitions is hereby created to read as follows:

13.25.100 Prohibitions.

It shall be unlawful for any person to fail to comply with the applicable customer-side lead water service line replacement requirements as set forth herein or to violate any other provision of this Chapter.

Section 12. That Section 13.25.110 Severability is hereby created to read as follows:

13.25.110 Severability.

If any section or portion of this chapter is for any reason determined to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that

section or portion shall be deemed severable and shall not affect the validity of the remaining sections or portions of this Chapter.

Section 13. That Section 13.25.120 Penalties is hereby created to read as follows:

13.25.120 Penalties.

Any person who violates any provision of this Chapter may be subject to a forfeiture of no less than \$50.00 and no more than \$1,000.00. Each day a violation continues may be considered a separate offense.

Section 14. That Section 13.25.130 Authority to Discontinue Service is hereby created to read as follow:

13.25.130 Authority to Discontinue Service.

As an alternative to any other methods provided for obtaining compliance with this Chapter regarding replacement of a customer-side lead water service line, if it is determined by the Water Utility that an illegal customer-side lead water service line endangers public health, safety, or welfare, and requires immediate action, the Water Utility may discontinue water service to such property after reasonable opportunity has been given to make the appropriate replacement. The customer shall have an opportunity for a hearing pursuant to Wausau Municipal Code Ch.2.21, adopting Wis. Stat. Ch. 68, within ten days of such emergency discontinuation of services.

Section 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:

Approved:

Published:

Attest:

Approved:

Doug Diny, Mayor

Attest:

Kaitlyn Bernarde, City Clerk